

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

Case No. **15-cr-20351**

Hon. Sean F. Cox

U.S. District Court Judge

D-04 – HATEM ATAYA,

Defendant.

WAIVER OF DEFENDANT’S ATTENDANCE AT STATUS CONFERENCE

NOW COMES Defendant Hatem Ataya, by his Counsel, James W. Burdick, and **waives his presence** at the upcoming status conference scheduled for October 16, 2015, for the following reasons:

1. He is fully aware that he has an absolute right to be present at all such court hearings and conferences.

2. He is presently detained and lodged at Milan Detention Center, where he has been utilizing the Center’s video equipment to review the many hours of undercover videos, but he has limited opportunities to use the equipment because other detainees are also using the same equipment.

3. If he were required to be present at the status conference, it would result in his being moved from Milan (an always arduous trip in shackles and handcuffs, etc.), with the prospect of time spent in the Wayne County Jail and, when he is moved back, it is always possible

that he will not return to Milan, but to one of the many other county facilities throughout the District when the USMS houses detainees. This would mean his evidence DVDs would have to follow him, though how long it would take is an open question, and the question of when he would be able to re-start his review, or whether the new facility even had proper equipment, could seriously compromise his ability to review the many hours of videos.

4. He is more than confident that his Counsel will report directly back to him anything and everything which occurs at this conference, as he is in constant communication with his Counsel through Corr-Links and is fully aware of his rights *vis-à-vis* attendance at court.

WHEREFORE, Defendant prays that this Honorable Court excuse him from being present at the status conference on October 16, 2015.

Respectfully submitted by:

BURDICK LAW, P.C.

/s/ James W. Burdick
JAMES W. BURDICK (P-11397)
Counsel for Defendant Ataya
1760 South Telegraph Road, Suite 300
Ph: (248) 335-5000
jwb@jwburdicklaw.com

Dated: **October 09, 2015**

CERTIFICATE OF SERVICE

I hereby certify that, on October 09, 2015, I electronically filed the foregoing **Waiver of Defendant's Presence at Status Conference** with the Clerk of the Court, United States District Court for the Eastern District of Michigan, using the ECF system, which will send notification of such filing to the following:

DOJ Trial Counsel Matthew Thuesen, by e-mail,

As well as to all other counsel of record.

Respectfully submitted,

BURDICK LAW, P.C.

By: /s/ James W. Burdick
JAMES W. BURDICK (**P-11397**)
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Dated: **October 09, 2015**

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